



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TOWAKI KOMATSU
:
Plaintiff, :
:
- against - :
CITY OF NEW YORK, et al., :
:
Defendants. :
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20-CV-10942 (VEC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order addresses Plaintiff's most recent deluge of correspondence to this Court (Dkt. 208, 209, 210, 211.)

Two of plaintiff's letters request the same relief – recusal by myself and Judge Caproni. (Dkt. 208, 210.) These letters violate prior orders of Judge Caproni and myself prohibiting plaintiff from filing multiple requests for the same relief, and for relief already denied. Once again, neither myself nor Judge Caproni have any reason to recuse ourselves.

The requests in Plaintiff's letter at Dkt. 209 are denied. The first request is for sanctions against defense counsel concerning representations made as to hand-delivery of discovery material. Plaintiff clearly received the material as is self-evident from his discussion of them. There also is no evidence presented that the material was not hand-delivered, which should not be confused with personal service. Plaintiff's letter also asks the Court to change its ruling with respect to early filing of summary judgment; this is another example of Plaintiff repeatedly raising an issue that already has been ruled upon. Plaintiff's additional request that the Court provide monthly reports of its efforts to secure

pro bono counsel for Plaintiff is denied. There is no basis to impose such administrative burden.

Plaintiff's letter at Dkt. 211 accuses the Court of issuing a scheduling order that is "more restrictive" (with respect for dates to amend the pleadings) than what was proposed by the parties. That is an incorrect accusation. The proposed scheduling order included the same deadlines for amendments (12/10/2021). The request to revise the scheduling order is denied.

Plaintiff continues to file frivolous requests for relief; to seek relief based on alleged facts that are false; to make requests for relief that previously have been denied on multiple occasions; and to violate court orders. The Court has warned Plaintiff on multiple occasions that failure to abide by Court orders and to engage in the foregoing conduct will result in a recommendation to dismiss his case. This is the Court's final warning.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: December 21, 2021
New York, New York

Copies transmitted this date to all counsel of record. The Court respectfully requests the Clerk of Court to mail a copy of this Order to the pro se Plaintiff.